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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

Fairfield Sentry Limited, et al.,

Debtors in Foreign Proceedings.

Chapter 15 Case

Case No. 10-13164 (CGM)

Jointly Administered

Fairfield Sentry Limited (In Liquidation) et al.,

Plaintiffs,

-against-

Theodoor GGC Amsterdam, et al.,

Defendants.

Adv. Pro. No. 10-03496 (CGM)

Administratively Consolidated

Fairfield Sentry Limited (In Liquidation) et al.,

Plaintiffs,

-against-

ABN AMRO Schweiz AG, et al.,

Defendants.

Adv. Pro. No. 10-03635 (CGM)

Fairfield Sentry Limited (In Liquidation) et al.,

Plaintiffs,

-against-

ABN AMRO Schweiz AG, et al.,

Defendants.

Adv. Pro. No. 10-03636 (CGM)

DECLARATION OF MARK MCKEEFRY

Pursuant to 28 U.S.C. § 1746, I, Mark McKeefry, hereby declare as follows:

1. I am General Counsel of Fairfield Greenwich Advisors LLC, as investment manager of Defendant FIF Advanced, Ltd. (“FIFA”).
2. I am fully competent to make this declaration and I have personal knowledge of the facts stated in this declaration.
3. This declaration is submitted in support of FIFA’s Motion To Dismiss For Lack Of Personal Jurisdiction.
4. FIFA is an International Business Company organized and existing under the laws of the British Virgin Islands. Attached hereto as Exhibit 1 is FIFA’s Certificate of Incorporation, which shows that FIFA was incorporated in the British Virgin Islands as an International Business Company on December 19, 2001.
5. FIFA’s registered office is located in the British Virgin Islands at c/o Codan Trust Company (B.V.I.) Ltd., Romasco Place, Wickhams Cay 1, P.O. Box 3140, Road Town, Tortola, British Virgin Islands. FIFA has never maintained an office in the United States.
6. Court filings by Irving H. Picard, as trustee for Bernard L. Madoff Investment Securities LLC (the “BLMIS Trustee”), which preceded Plaintiffs’ filing of their Fifth Amended Complaints in Adv. Pro. Nos. 10-03635 and 10-03636, correctly identified FIFA as a foreign

entity. For example, the BLMIS Trustee correctly alleged that FIFA was organized under the laws of the British Virgin Islands in his Amended Complaint filed on July 20, 2010. *See* Am. Compl. ¶ 103, *Picard v. Fairfield Investment Fund Ltd.*, Adv. Pro. No. 09-01239 (Bankr. S.D.N.Y. July 20, 2010), Dkt. No. 23 (“FIFA was incorporated as an international business company under the laws of the British Virgin islands. Its registered office is located at Romasco Place, Wickhams Cay 1, P.O. Box 3140, Road Town, Tortola, B.V.I.”).

7. Publicly available records of New York state and federal agencies reflect that FIFA is not a New York entity and has never been registered to do business in New York:


- A search of New York State’s Department of State database of all New York registered entities does not reveal any record of FIFA as being an active or inactive registered entity in New York. *See* Public Inquiry, New York Department of State, <https://apps.dos.ny.gov/publicInquiry/#search>.
- FIFA’s filings on the SEC’s EDGAR database pursuant to Regulation D of the Securities Act of 1933 show that FIFA is a foreign entity with its executive offices in the British Virgin Islands. *See* Form D for FIF Advanced, Ltd., available at <https://www.sec.gov/Archives/edgar/vpr/0403/04037567.pdf>.

8. In their Affidavits of Service in Adv. Pro Nos. 10-03635 [Dkt. No. 79] and 10-03636 [Dkt. No. 78], Plaintiffs also represented that they served their Complaints on FIFA by “International Registered Mail” at the following three foreign locations:

- c/o Advanced Strategies Ltd, 45 Beech Street, London, England, EC2Y 8AD;
- c/o Citco Data Processing Services Ltd., 2600 Cork Airport Business Park, Kinsale Road, Cork, Ireland; and
- c/o Citco Bank Nederland NV, Telestone 8 – Teleport, Narritaweg 165, 1043BW Amsterdam, The Netherlands.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 27 October 2021



Mark McKeefry, General Counsel of
Fairfield Greenwich Advisors LLC, as
investment manager of FIF Advanced, Ltd.

EXHIBIT 1

CERTIFIED A TRUE COPY

CODAN TRUST COMPANY (B.V.I.) LTD.

Date: 23/11/04

TERRITORY OF THE BRITISH VIRGIN ISLANDS
THE INTERNATIONAL BUSINESS COMPANIES ACT
(CAP.291)

CERTIFICATE OF INCORPORATION (SECTION 11)

No. 42666

The Registrar of Companies of the British Virgin Islands HEREBY CERTIFIES pursuant to the International Business Companies Act, (Cap.291) that
FIF ADVANCED, LTD.

is incorporated in the British Virgin Islands as an International Business Company, and that the former name of the said company was
ADVANCED STRATEGIES LIMITED

which name has been changed 19th day of December, 2001 to

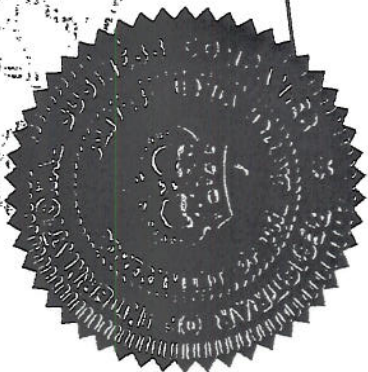
FIF ADVANCED, LTD.

Given under my hand and seal at
Road Town, in the Territory of the

British Virgin Islands

CRT1014E

REGISTRAR OF COMPANIES



[Signature]